

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD

WRIT PETITION NUMBER 457 OF 1991

Between:

Sri V. Balakrishnan Nair  
aged 65 years  
son of late P. Krishnan Nair  
Latha Nivas  
No.932, HAL III Stage  
Bangalore 560 008 ...Petitioner

(By Sri R. Suryanarayana Swamy, Adv.)

And:

Hindustan Aeronautics Limited  
Bangalore Complex  
Bangalore 560 017  
represented by its  
Managing Director  
- a Public Limited Company and  
Government of India undertaking -Respondent

(By Sri T. Narayanaswamy, Adv.)

This writ petition is filed under Articles 226 and 227 of the Constitution seeking to direct the respondent to compute the amount of gratuity payable to him according to Illustration (ii) of Personnel Bulletin No.2387 dated 2-7-1981 (Annexure-C) and to pay the difference to the petitioner together with 10 per cent interest per annum on the amount withheld by the respondent, and, if the gratuity payable exceeds Rs.30,000/- it shall be limited to Rs.30,000/-.

This writ petition coming on for preliminary hearing in B-Group this day, the Court made the following:

ORDER

210

O R D E R

The petitioner retired from services of the respondent in the year 1983 on attaining the age of superannuation, and, at that time itself, he was paid gratuity of Rs.34,749/-. According to him, under the HAL Gratuity Rules, he is entitled to be paid Rs.36,000/- and that he is therefore still due a balance amount of Rs.1,251/- as calculated in paragraph No.5 of the writ petition. This relief he seeks in this writ petition under Articles 226 and 227 of the Constitution.

2. To claim this balance of Rs.1,251/-, the petitioner has waited for eight years in approaching this court. On account of this delay of 8 years, this is hardly a case to invoke the jurisdiction under Article 226 of the Constitution.

3. Petition dismissed.

Sd/-  
JUDGE

